

### **REMARKS**

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1, 4-14, 26-27 and 29-38 are presently active in this case. The present Amendment amends Claims 1, 7, 11-12, 19-20, 23 and 33; and cancels Claims 2-3, 25 and 28.

The outstanding Office Action indicated that the Declaration is defective for not identifying the citizenship of each inventor. Claim 3 was rejected under 35 U.S.C. §112, second paragraph, as indefinite. Claims 1, 2, 4-6, 8, 10, 16, 19-25 and 31-38 were rejected under 35 U.S.C. §102(b) as anticipated by Miyaguchi et al. (U.S. Patent No. 6,708,014, herein "Miyaguchi"). Claims 9, 26 and 27 were rejected under 35 U.S.C. §103(a) as unpatentable over Miyaguchi in view of Muramatsu et al. (U.S. Patent No. 5,987,298). Claims 13 and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over Miyaguchi in view of Okamura et al. (U.S. Patent No. 6,507,722).

In response to the indication of the defective Declaration, Applicants file herewith a new Declaration complying with the requirements of 37 C.F.R. 1.67(a), identifying the citizenship of each inventor.

Claims 7, 11, 12, 15-18, 24 and 28-30 were indicated as allowable if rewritten in independent form. Claim 3 was indicated as allowable if rewritten to overcome the rejection under 35 U.S.C. §112, second paragraph. Applicants acknowledge with appreciation the indication of allowable subject matter.

In response, independent Claim 1 is amended to recite all the features of dependent Claim 3. In response to the rejection under 35 U.S.C. §112, second paragraph, the feature of original Claim 3 to recite "in a non-contact manner" has been amended to recite "without the

developer carrying member and the latent image carrying member being in contact.”<sup>1</sup>

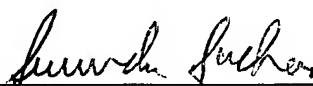
Consequently, Claim 3 is cancelled. Further, Claim 7 is rewritten in independent form by incorporating all the features of independent Claim 1 and dependent Claim 4. Claims 11-12 are rewritten in independent form by incorporating all the features of independent Claim 1. Claim 19 is amended to recite all the features of dependent Claim 28, without incorporating the features of intervening Claim 23. Consequently, Claim 28 is cancelled. Claims 20, 23 and 33 are amended to correct a minor issue on antecedent basis. Claims 2 and 25 are cancelled for being inconsistent with the amended independent claims.

Consequently, in view of the present Amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1, 4-14, 26-27 and 29-38 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



\_\_\_\_\_  
Gregory J. Maier  
Attorney of Record  
Registration No. 25,599

Customer Number  
**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 06/04)

Surinder Sachar  
Registration No. 34,423

I:\ATTY\NS\00557\248604US\248604US-AM1-DRAFT2.DOC

<sup>1</sup> Finds non-limiting support in Applicants' Disclosure as originally filed, for example at page 3, line 25 to page 4, line 4, page 8, lines 7-9 and in corresponding Figure 6.